WP(C) 834/2007
BEFORE
THE HON'BLE MR JUSTICE B K SHARMA

Heard Mr. P. Pathak, learned Sr. counsel assisted by Mr. K. Pathak, learned counsel for the petitioner . Also heard Mr. A.C. Borborah, learned Sr. counsel assisted by Mr. Singh, learned counsel for Tinsukia Municipal Board.

The petitioner is aggrieved by Annexure-B NIT dated 29.01.07 by which tenders have been invited for settlement of the market indicated therein for the year 2007-08. The lease period will commence from 1st April, 2007 and will come to an end on 31.03.08. The petitioner is the present lessee of Tinsukia Daily Fish Market. According to the petitioner during the period of operation of the fish market which will come to an end on 31.03.07 he suffered certain loss and accordingly he prayed for extension of the lease period of the said market.

Mr. Pathak, learned Sr. counsel for the petitioner submits that the Municipal Board is duty bound to consider the prayer of extension. On the other hand, Mr. Borborah, learned Sr. counsel for the Municipal Board submits that the petitioner cannot claim extension as a matter of right. He further submits that the petitioner did not make any representation for extension of the market till issuance of the NIT dated 29.01.07. He further submits that the purported prayer for extension was made only on 12.02.07 which is after expiry of the date of issuance of the NIT dated 29.01.07.

In the tender issued on 29.01.07, the last date of receipt of tender has been stipulated as 28.01.07 scheduled to be open till 2' O clock.

Considering the submission and the materials on record, I dispose of the writ petition providing that the Chairman, Tinsukia Municipal Board may dispose of Annexure-C representation dated 12.02.07 in accordance with law. Such disposal of the representation shall be made on or before 28.02.07. If the representation cannot be disposed on or before 28.02.07, the Municipal Board while proceeding with the tender process shall not pass the final order of settlement, till disposal of the representation.

Writ petition stands dispose of.

JUDGE